

The Palo City Council met in regular session at Palo City Hall July 16, 2012. Mayor Tom Sanders called the meeting to order at 6:39 p.m. Council Members present: Trent Miller, Scott Packingham, Doug Hanover and Josh Frank. Absent: Brian Beaty. Others present: Erek Sittig.

Hanover moved approval of **agenda**, Frank second. Motion carried. (4-0)

Council discussed the consent agenda including the following bills for approval: Hach Supply test strips versus colorimeter and John Deere Financial air conditioner/heater. Hanover moved approval of **consent agenda** bill approval, treasurer's reports, DAR, and council meeting minutes as revised: Council meeting minutes from June 11, 2012 revised from Maintenance Staff instructed to inspect, test, and record the backflow device to Maintenance Staff instructed to have the backflow device inspected, tested and recorded, Frank second. Motion carried. (4-0)

**Linn County Sheriff's Report:** 108 hours required. 140.3 hours provided. Ricklefs' trailer was broken into and copper was taken. Trailer has been moved for security reasons.

Dave Schoettmer, **Lion's Club** President, provided information on the RAGBRAI fundraiser. City Hall will be open between 8:00 a.m. and 4:00 p.m. Palo flood t-shirts will be sold. The repaired city tent will be picked up this week. Volunteers plan to set up the tent on 07/25/12.

**Audience Comments-Agenda Items:** None.

**Department Reports:** The fire dept. report was not available. Palo Volunteer Fire Chief, Brentt Stepanek, noted the department usually averages between 75 to 80 calls per year and has had 62 calls already this year. The fire department has been very busy. Maintenance and committee/organization meeting minutes were provided.

**Ralph Savoy** presented the capital campaign planning and philanthropic feasibility study report. Mr. Savoy reviewed the study and recommendations. He gave examples of other campaigns he has worked on; some proceeded immediately upon completion of the feasibility study, others required additional work by the client before a campaign was pursued. He recommended the Council and Fire Department review the recommendations before deciding to proceed. Areas to review for projects include the project itself, volunteer leadership, and goals. Councilor Miller suggested the Fire Dept. Committee of the Mayor, Councilors Beaty and Miller, and Fire Dept. Members Stepanek, Oliphant, Seely, and Sullivan, sit down with Mr. Savoy and review the report. Hanover motion to approve **Acceptance of the Capital Campaign Planning and Philanthropic Feasibility Study Report**, Miller second. Motion carried. (4-0)

Brentt Stepanek, Palo Volunteer Fire Chief, expressed his concerns about the **Mold and Moisture in the Fire Station**. The problem has not worsened since the air conditioner was installed. He suggested adding a dehumidifier in the office/training area near the mechanical room floor drain. Equipment with mold has been replaced or cleaned. The humidistat has been working and the area is not as hot as usual. He believes if the current strategy is continued with the addition of a dehumidifier, they are on the right track. He would like someone with knowledge of mold to view the area to be pro-active. Residential or industrial dehumidifiers were discussed. The pilot system will be removed in the month of July. Initial discussions included moving the industrial unit near the mechanical room drain. The water storage tank will remain until the water tower is constructed. A large residential dehumidifier would be sufficient if it is in a confined area. It was suggested the larger unit would remain with the tank and a residential unit would address the issue in the office/training area near the mechanical room floor drain.

The **Fire Station Fire Alarm System** was discussed. The current, non-operating system was installed before this area of the maintenance storage building was enclosed. The current system would need to be on the exterior of the building. The merits of the current system versus a new system were discussed. The system has not operated since 2007. The deficiency was reported six months ago. A discussion of notification and action on the non-operating system ensued. Council discussed the merits of repairing the current system or determining it is not a usable system and reviewing other alternatives. The timeline for action on the needed repair was evaluated. The contents of the building have a high value. The issue will continue to be looked into.

**Fire Department 501c3 Status** was discussed including the advantages of non-profit status, worker's compensation benefits, property ownership, separation of accounts, liability issues, and the advantages of separating the fundraising activities from the service related activities. Fire personnel were instructed to come back to Council with the name of the individual they have retained to help with the status change and a cost analysis. Perhaps the City will reimburse the fire department for these costs. The Council concurred the fire department should proceed with their inquiries.

The City Maintenance Superintendent, AgVantage Representative, Solum Lang Representative, and Fire Chief have all met to discuss the community center vaporizer cabinet doors and ventilation and a plan has been established. Clerk instructed to inform Solum Lang to stop designing the modifications. Matt, AgVantage, Glenn, City, and Councilor Packingham will meet to review the current system and proposed modifications. The Mayor called a 10 minute recess at 8:43 p.m. The Mayor reconvened the meeting at 8:53 p.m.

The Council discussed the **City of Palo Multi-Purpose Safe Room Operations & Maintenance Plan**. Asst. Volunteer Fire Chief, James Seely, provided written comments. Council concurred an extensive call log of people available to unlock the doors to City Hall to access the safe room should be established. Knox box and alternative coded access for non-fire department personnel were discussed. Councilor Hanover will contact Tom Ulrich, Emergency Management Agency. A meeting should be scheduled with Mr. Ulrich, Asst. Chief Seely, Mayor Sanders, Maintenance Superintendent Lange, and the Council. No action was taken on **Resolution 071612A**.

The **200,000 Gallon Elevated Storage Tank Change Order #2** was put on hold. The Council will evaluate the need to move dirt in the area of the water tower and future area of the water treatment facility and make a decision at a later date. This will not affect construction of the water tower. The work may be added to the water treatment facility bid. The Council noted the proposed change order is much more expensive than prices researched by Council. Howard R. Green recommended the change order because, although the amount was on the high side, it was still responsible. The elevations on the map are not accurate. Some dirt work will be needed unless the treatment plant is lowered. Council concurred the elevations should remain as proposed. If a contractor is hired warranty issues should be considered. Compaction tests will be necessary. Howard R. Green recommends bidding the dirt work with the water treatment plant to encourage competitive bids on the work. Hanover motion to bid the dirt work from 200,000 gallon elevated storage tank change order #2 with the water treatment facility bid, Miller second. Motion carried. (4-0) Howard R. Green will survey the site before the water treatment plant bid is let.

Howard R. Green Representative, Matt Wildman recommended payment of **Well #2 Pay Application #5**. Miller motion to approve well #2 pay application #5, Hanover second. Motion carried. (4-0)

Mr. Wildman explained if Howard R. Green submits a pay application to Council, it is recommended.

The Council discussed the need for the **Variable Frequency Drive (VFD) Well #1**. Previous consultants had not determined a need for this type of drive; a self-start drive was sufficient. Councilor Packingham explained the

types of drives and confirmed this is a better option. Well #2 has a VFD. The merits of the VFD were discussed including reduction in power surges, slow start, more control, will run based on demand, and fluctuations in the aquifer. Packingham motion to approve the purchase of the VFD for well #1 as proposed in the contract, Miller second. Motion carried. (4-0)

Miller motion to approve **Pay Application #5 Phase #1** as long as signed by Howard R. Green representative, Packingham second. Motion carried. (4-0)

**Change Order #5 for Phase 2** is a net deduct to bore along Vinton Street and under Drake Drive. The main will not be in the middle of the street, but will be under the parking area of Vinton Street. This should reduce the restoration needed for the street and confine the restoration to the parking area on Vinton Street. This change order was requested by the City of Palo. Hanover motion to approve change order #5 for Phase 2, Frank second. Motion carried. (4-0)

Miller motion to approve **Pay Application #1 200,000 Gallon Elevated Storage Tank** upon signature of Howard R. Green representative, Frank second. Motion carried. (4-0)

Miller motion to approve **Lion's Club request to use the community center tables and chairs for Palo Fun Day** contingent upon maintenance staff inspecting the items upon their return to verify they are received in the same condition as when borrowed and if damaged the City should be notified as soon as possible so the item(s) can be repaired or replaced, Frank second. Motion carried. (4-0)

Frank motion to approve **Lion's Club beer permit** for 1 day during the RAGBRAI fundraising event, Miller second. Motion carried. (4-0)

Ball diamond rentals were discussed. Clerk instructed to check on rates for use of lights versus day rentals. Staff instructed to notify Council of deviations from standard rental contracts. Miller motion to approve **Resolution 071612B Full Court Sports Field Baseball Diamond Lease**, Packingham second. Roll call. Motion carried. (4-0)

Councilor Hanover informed the Council about the **Community Center Benefit Rental**. The Lion's Club will sponsor the event. A hog roast, silent auction, and raffle are planned. The benefit is at the request of Jenny Cady for Terry Hebert to help with his medical expenses. The rental will be through the Lion's Club. Benefit rentals will not be rented directly through the City. They will be sponsored or endorsed through another organization like the Lion's Club, Volunteer Fire Dept., Palo United Methodist Church, American Legion, etc. Miller motion to approve the Lion's Club rental of the community center gymnasium and kitchen with the fees waived on September 15, 2012 to hold the benefit; the request stated all other rental and cleanup requirements will be in effect, Frank second. Motion carried. (4-0)

Frank motion to set the **Public Hearing on the Status of Funded Activities Water Project 08-DRI-236** for 8/20/12 at 6:30 p.m. in Council Chambers, Hanover second. Motion carried. (4-0)

Hanover motion to open the public hearing at 10:08 p.m. pertaining to **Ordinance 582-2012** Amending the Code of Ordinances of the City of Palo, Iowa, 2012, by Modifying Portions of Chapter 90 Regarding Fees, Frank second. Roll call. Motion carried. (4-0)

Audience comments: How was the ordinance drafted? Where did the dollar amounts come from? The Clerk received no written comments.

Miller motion to close the public hearing pertaining to **Ordinance 582-2012** Amending the Code of Ordinances of the City of Palo, Iowa, 2012, by Modifying Portions of Chapter 90 Regarding Fees at 10:12 p.m., Frank second. Roll call. Motion carried. (4-0)

The Council reviewed the application fees, hookup fees, and deposit fees from other towns provided by the Deputy City Clerk. The fees in the proposed Ordinance are comparable. The hookup fee is less than \$250.00. The application fee is \$25.00. Hanover motion to approve the First Reading of **Ordinance 582-2012** Amending the Code of Ordinances of the City of Palo, Iowa, 2012, by Modifying Portions of Chapter 90 Regarding Fees, Frank second. Roll call. Motion carried. (4-0)

Hanover motion to open the public hearing at 10:14 p.m. pertaining to **Ordinance 583-2012** Amending the Code of Ordinances of the City of Palo Iowa by Adding a New Chapter Pertaining to the Operation of Golf Carts on City Streets with a City Issued Permit, Frank second. Roll call. Motion carried. (4-0)

Audience comments: How will this be monitored? The Clerk received no written comments.

Council discussed if the permit process was necessary in relation to the cost in staff time, if the slow moving vehicle sign and bicycle safety flag were necessary, given headlights and taillights are required to be on at all times as a condition of operation. Should the times of operation be limited if lights are required? Safety issues were discussed. The City of Atkins golf cart ordinance was reviewed. Council had researched the number of carts registered in Atkins and the issues and staff time involved in enforcing compliance with their regulations. Having a copy of the permit in the golf cart at all times was suggested.

Hanover motion to close the public hearing at 10:31 p.m. pertaining to **Ordinance 583-2012** Amending the Code of Ordinances of the City of Palo Iowa by Adding a New Chapter Pertaining to the Operation of Golf Carts on City Streets with a City Issued Permit, Frank second. Roll call. Motion carried. (4-0)

Due to the number of modifications from the posted copy of Ordinance 583-2012, the Clerk was instructed to repost the ordinance as revised including changing 74.06 Equipment items #1 and #2 from required to recommended; this was then revised to removed rather than recommended, remove the pounds in 74.02 Definitions, remove the affixation of numbers to the golf cart in 74.09 #3 Permits; include the requirement to have the permit in the cart at all times, change the permit fee to \$10.00, add a City Celebration Waiver similar to the City of Atkins' Ordinance 62-12.07, and include the traffic regulation information from the permit and the information from 62-12.05 (1) (c) Unlawful Operation from the City of Atkins' Ordinance. The Clerk shall add a public hearing and first reading to the next Council agenda. Mayor Sanders will issue a proclamation to allow the use of golf carts in the City of Palo on the eve of 08/17/12 and 08/18/12 in conjunction with the City celebration of Palo Fun Day. The rules of operation and hours of operation will be consistent with those discussed.

Council discussed the acceptance and payment of the Community Center project including acceptance would be contingent upon correcting the wall paper near the drinking fountain in the vestibule, on the end of the banister on the south side of the Council Chambers, and by the alarm box. Warranties would still be in effect upon acceptance of the project.

Packingham motion to approve **Community Center Pay Application (Public Assistance (PA) side)**, Miller second. Motion carried. (4-0)

The strategy to involve the Maintenance Superintendent, AgVantage Representative, and Fire Department Personnel in modifying the LP tank enclosure including the vaporizer cabinet doors and ventilation were reiterated.

Miller motion to approve **Community Center Pay Application (361 side)**, Frank second. Motion carried. (4-0)

Miller motion to approve **acceptance of the Community Center Project (PA and 361 side)** contingent upon correcting the wallpaper in the three locations previously discussed, alarm system issues, LP tank enclosure as

previously discussed, completing the sidewalk near the back door, and seeding the LP tank and sidewalk area in the fall or earlier if the weather is conducive to growing grass, Frank second. Motion carried. (4-0)

Miller motion to approve **Boat Ramp Amendment #3**, Frank second. Motion carried. (4-0)

Miller motion to approve **Boat Ramp Pay Application #1 (Final)**, Frank second. Motion carried. (4-0)

Mayor Sanders reviewed the total cost of the boat ramp project with Council. Packingham motion to approve **acceptance of the Boat Ramp Project**, Hanover second. Motion carried. (4-0)

Miller motion to approve **Wetland Project Change Order #1**, Frank second. Motion carried. (4-0)

Hanover motion to approve **acceptance of the Wetland Project**, Frank second. Motion carried. (4-0)

The Mayor called a 5 minute recess at 11:04 p.m. The Mayor reconvened the meeting at 11:10 p.m.

Miller motion to approve **Resolution 071612C** Designation of Applicant's Authorized Representative HMGP-DR-1763-0154-01 Concession Stand Safe Room, Hanover second. Roll call. Motion carried. (4-0)

Miller motion to approve **Resolution 071612D** Designation of Applicant's Authorized Representative HMGP-DR-1763-0125-01 Community Center Safe Room, Hanover second. Roll call. Motion carried. (4-0)

Mayor Sanders informed Council of the Deputy City Clerk's duties, project input, and knowledge of reimbursement for projects and FEMA funds. The recent rearrangement of duties due to the reduction in staff was also discussed. Hanover motion to approve **Resolution 061112H** Compensation Deputy City Clerk, Miller second. Roll call. Motion failed. (2-2) Frank/Miller aye; Hanover/Packingham nay

City Clerk reviewed Deputy City Clerk's qualifications and experience. Mayor encouraged City Clerk to contact Council and discuss issues before meeting. Mayor acknowledged staff's hard work and progress on projects.

Miller motion to approve **Resolution 061112H** Compensation Deputy City Clerk as amended to 4.3% (four point three percent) hourly increase, Frank second. Roll call. Motion carried. (3-1) Packingham nay

Hanover motion to approve third and final reading of **Ordinance 580-2012** Amending the Code of Ordinances of the City of Palo, by Repealing 90.34 Cross Connection Control pertaining to back flow preventative devices, Packingham second. Roll call. Motion carried. (3-1) Miller nay

Frank motion to approve second reading of **Ordinance 581-2012** An Ordinance Amending the Code of Ordinances of the City of Palo, Iowa, 2012, By Repealing Chapter 21 Pertaining to City Administrator and Modifying Other Sections Referencing City Administrator, Packingham second. Roll call. Motion carried. (4-0)

Miller motion to approve **Resolution 071612F** Hazard Mitigation Grant Program (HMGP) Money Transfer Property Acquisition to General Fund, Hanover second. Roll call. Motion carried. (4-0)

Hanover motion to approve **Resolution 071612G** 70 Dale Lee Drive Special Assessment, Miller second. Roll call. Motion carried. (4-0)

Mayor reviewed the cost share numbers as they were different from the original estimate. The contractor's quote was less than originally anticipated. Miller motion to approve **Resolution 071612H** Subdivision Agreement Dry Creek Third Addition (Phase 3) Final Plat, Packingham second. Roll call. Motion carried. (4-0)

Hanover motion to approve **Resolution 071612I** Dry Creek Third Addition (Phase 3) Subdivision Final Plat, Packingham second. Roll call. Motion carried. (4-0)

**Audience Comments-Non-Agenda Items** included a request for the City to contact Palo Cooperative Telephone Association regarding their fiber optics project specifically about the right of way in the old bank alley near Vinton Street and generally several Council members have received complaints about the project and residents' inability to contact a Palo Coop. representative to voice their concerns. Bill Zeller would like the Zeller Memorial Park sign and park designated and for pictures to be published in the Atom Burst. The suggestion was made to move the Palo Farmer's Market from its current location at the City Hall/Community

Center parking lot to a larger and more shaded area; specifically the area commonly referred to as the Buyout area. Notation was made of the late hour and a suggestion to move presentations, such as the Fire Station presentation earlier in the meeting, to a Special Council meeting. The Mayor responded presentations are considered based on the subject matter's importance to the City, a decision is made on if it is a high priority issue, presenters are encouraged to condense their presentations, and it is more costly to have a Special meeting.

**Old Business:** Mayor Sanders informed Council Change Order #4 Water Main Distribution System, Phase 2 was approved (\$34.50 reduction).

**New Business:** Donation of the City's tent to the Lion's Club was discussed. Council is concerned the City is mowing the parks too often given the current weather conditions. This is costly. Consideration may be given to letting some of the grass along the creek return to a longer, more natural state. Council would like the Maintenance Staff to water the trees at the Community Center. Upon Council consensus, the Mayor stated he will contact Dan Gardemann about his request to approve a variance so Anderson Erickson Dairy's trucks are allowed to cross the 1<sup>st</sup> Street Bridge on 07/26/12, the day RAGBRAI riders are in town. This request was to increase safety by reducing the truck traffic on East Covington Road during the time the RAGBRAI riders are in town. City staff will contact the Linn County Sheriff's Department. Councilor Miller encouraged Mayor Sanders to contact Volunteer Fire Chief Brentt Stepanek.

Hanover motion to **adjourn** at 12:04 a.m. 07/17/12, Frank second. Motion carried. (4-0)

Michelle Nejd  
City Clerk